

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

05-CR-6068L

v.

GLENN HARPER,

Defendant.

A motion having been made by counsel for the defendant, for an order to determine defendant's mental competency, pursuant to Title 18, United States Code, Section 4241(a). The United States having no opposition to the motion, and there being reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect. The Court finds reasonable cause to order the mental competency examination based on the repeated contemptuous, abusive outbreaks by defendant to the Court, the prosecutor, and his own lawyer. This conduct and these outbursts have been so serious as to require the removal of defendant from the court on at least three (3) occasions. In addition, defendant has reacted violently and inappropriately during the course of pretrial proceedings by destroying a metal partition in the cell block on June 27, 2008, after a court proceeding and adverse ruling; by physically punching and assaulting his prior defense

counsel at the Federal Detention Center in Batavia, New York, and by his prior abusive, verbal conduct toward the Court, which has occurred at virtually every court appearance.

Although this conduct may well be manipulative and designed to obstruct the proceedings and prevent the trial from commencing, the behavior is such that his mental competency should be examined before the Court takes other actions relative to the conduct of the trial.

Therefore, it is hereby

ORDERED that the defendant Glenn Harper be examined pursuant to 18 United States Code, Section 4241(a), to determine if he is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him and to assist properly in his defense, and it is further

ORDERED that the defendant, Glenn Harper, be examined at the Butner Medical Center, Butner, North Carolina, or any other suitable federal medical facility, pursuant to 18 U.S.C. § 4241(a); and it is further

ORDERED that pursuant to 18 U.S.C. § 4247(b) defendant, Glen Harper, is committed to the custody of the Attorney General for placement at the Butner Medical Center or any other suitable federal medical facility for a period not to exceed thirty (30) days for the purposes of this psychiatric examination; and it is further

ORDERED that pursuant to 18 United States Code, Section 4241(c) and Section 4247(b), the Court will conduct a hearing upon notice to the parties once a report has been received concerning the psychiatric examination, and it is further

ORDERED that the examining psychiatrist shall prepare a report that shall include the defendant's history and present symptoms; a description of the psychiatric, psychological and medical tests that were employed; the physician's findings; and the physician's opinion as to

diagnosis and prognosis as to whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and it is further

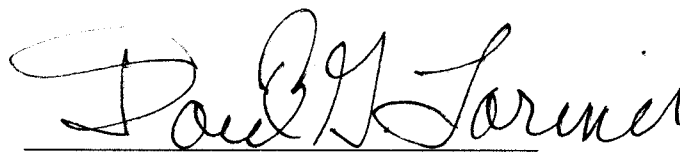
ORDERED that Assistant United States Attorney Robert A. Marangola, shall provide to the examining psychiatrist a copy of the criminal indictment and supporting documents and other investigative materials concerning the circumstances of the offense for use by the psychiatric personnel in conducting their examination; and it is further

ORDERED that defense counsel be given an opportunity to provide to the psychiatrist whatever information documents, medical reports or other matters that might assist in evaluating defendant's mental competence; and it is further

ORDERED that at the conclusion of the psychiatric examination the defendant shall be returned to the custody of the United States Marshal, Rochester, New York; and it is further

ORDERED that the period of time from June 30, 2008 to the conclusion of all proceedings necessary to determine the mental competency of the defendant be excluded from the time period specified in the Speedy Trial Act, 18 United States Code, Section 3161 *et. seq.*, pursuant to Section 3161(h)(1)(A).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer". The signature is fluid and cursive, with the first name "David" and last name "Larimer" clearly legible. It is positioned above a horizontal line.

DAVID G. LARIMER
UNITED STATES DISTRICT JUDGE

Dated: Rochester, New York
July 2, 2008.